



People v Cargill

People v Cargill 2019 NY Slip Op 00297 Decided on January 16, 2019 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided on January 16, 2019 SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Second Judicial Department

MARK C. DILLON, J.P.

SHERI S. ROMAN

JOSEPH J. MALTESE

FRANCESCA E. CONNOLLY, JJ.

2015-02699

(Ind. No. 914/13)

[*1]The People of the State of New York, respondent,

v

Bibano Cargill, appellant.

Paul Skip Laisure, New York, NY (Michael Arthus of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, and William H. Branigan of counsel; Robert Adler on the memorandum), for respondent.

DECISION & ORDER

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Charles S. Lopresto, J.), imposed May 6, 2014, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Contrary to the defendant's contention, the record demonstrates that he knowingly, voluntarily, and intelligently waived his right to appeal (see *People v Sanders*, 25 NY3d 337, 341-342; *People v Ramos*, 7 NY3d 737, 738). The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive (see *People v Lopez*, 6 NY3d 248, 255-256).

DILLON, J.P., ROMAN, MALTESE and CONNOLLY, JJ., concur.

ENTER:

Aprilanne Agostino

Clerk of the Court